



# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
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NOV 30 2009

Ms. Peggy Casey, Environmental Projects Engineer  
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Jefferson City, MO 65109

Mr. Kevin Keith, Chief Engineer  
Missouri Department of Transportation  
P.O. Box 270  
Jefferson City, MO 65102

Dear Ms. Casey and Mr. Keith:

RE: Review of Final Environmental Impact Statement for Route 63, Osage, Maries, and Phelps Counties, Missouri FHWA-MO-FEIS-08-01, MoDOT Job Number: J5P0950

The US Environmental Protection Agency Region 7 has reviewed the Final Environmental Impact Statement for Route 63, Osage, Maries, and Phelps Counties, Missouri. Our review is provided pursuant to the National Environmental Policy Act 42 U.S.C. 4231, Council on Environmental Quality regulations 40 C.F.R. Parts 1500-1508, and Section 309 of the Clean Air Act. The FEIS was assigned the CEQ number 20090359.

The FEIS outlines the environmental impacts of several alternatives considered for rebuilding and widening Route 63 in Missouri in the above mentioned counties. It also provides a recommended alignment for the highway project, referred to as the Preferred Alternative.

EPA's March 4, 2009 comment letter on the Draft Environmental Impact Statement conveyed some concerns with the lack of information with which to discern a Least Environmentally Damaging Practical Alternative.

The FEIS does not appreciably include new information that addresses these concerns. EPA reiterates some of our previous concerns, modified to reflect any changes in the FEIS. We urge focused attention to these matters as a final decision is made.

## Waters of the United States

The FEIS provides contradictory information in terms of the total wetland impacts between Table 2 (p. 34), Table 17 (p. 119; Table 18 in DEIS), and Table 18 (p. 120; Table 17 in DEIS). Each table has a different wetlands impact value for each of the three alternatives. In addition, the description of impacted acres and linear feet of streams within the text does not match the figures indicated in any of the Tables. EPA recommends that these differences be re-examined for accuracy.

While the total wetland impacts has decreased from what was reported in the DEIS, stream impacts for the Preferred Alternatives are substantial, and have increased by 2955 linear feet and 11 streams that will be impacted. The Preferred Alternative has more impacts to streams than the other identified reasonable alternatives. However, there is no detailed information that addresses the environmental impacts for the other alternatives. Tables in Appendix E for water resources are for the Preferred Alternative only, thus, providing no comparative data.

As the final footprint is determined, we recommend avoiding and minimizing impacts to wetlands and streams as much as possible before moving towards determining the amount of compensatory mitigation that is required. Due to release of the Compensatory Mitigation Rule, some requirements or processes that have been used in the past may need to be changed, and there may be new options for mitigation available in the future that are more ecologically and logistically preferable.

If changes occur in the project purpose, need, alternatives, or impacts between now and the time of issuance on Public Notice by the Corps of Engineers, EPA's 404 program reserves the ability to comment further on this project. Information may be generated through the 404 public interest review process that was not documented during the EIS process and should be considered in the final decision. This could include changes in regulation or processes, advances in the knowledge of the resources to be impacted, discovery of additional populations of threatened or endangered species, new best management practices, and/or improvement in stream or wetland restoration science.

## Safety

The criteria utilized to compare the alternatives with respect to "safety" objectives should be made clear to the decision-maker. The FEIS introduction does describe the problem: sections of the existing highway suffer crashes twice as great as the state average, and there is a map showing historical crash statistics. However, there is no description of what, specifically, has to be changed or provided in order to solve this problem. This is particularly important for justifying the LEDPA. In the DEIS, alternatives using the existing highway through Westphalia were deemed "not practicable" due to "an abundance of access points leading to increased crashes." If the metric for safety is the absence of access points to the main highway, then the ultimate alternative selection should be made with respect to that safety criterion. Such criteria did not appear to be included in the FEIS.

### Purpose and Need Statement

The Purpose and Need statement (p. 3) could have been more clearly expressed. As written, the Purpose (to improve operational efficiency and safety) and the Need are essentially identical. Page 3 states that the "project is needed to improve safety on Route 63, improve traffic flow on Route 63, improve north-south four-lane design continuity." While including the specific number of crash rates and a figure showing locations of crashes (Figure 3, p. 6) is a positive addition to the FEIS, it may be useful to more clearly articulate the Need in terms of the current safety level (2 times the accident rate of comparable highways in the state) and traffic levels (inadequate today, and projected to be worse in 2030).

### Relocation of Church in Vichy

Page 49 of the DEIS stated: *"Using the study corridor width of the Preferred Alternative, there would be relocations of the church in Vichy and the Vichy fire department/community center. However, during design, an attempt to avoid impacts to this side of Vichy would be a primary objective given the historical architectural resources located in the corridor."* Due to confusion over whether the church in Vichy would be impacted, or only impacted by a particular alignment, EPA suggested in our DEIS comment letter that the document clearly articulate whether or not the Church would be impacted, and to discuss what coordination and/or mitigation planning has been done with the community with regards to this church relocation.

On page 51 of the FEIS, (where this statement would be logically located) the above statement (italics), has been completely removed from the text, even though Table 7 (p. 63) still indicates the same number of relocations for the Vichy Section. EPA recommends that the Record of Decision stipulate the final resolution of this potential relocation.

Thank you for the opportunity to provide our comments regarding this project. If you have any questions, please contact me at 913-551-7565 or via email at [tucker.amber@epa.gov](mailto:tucker.amber@epa.gov) or you may contact Joe Cothorn, NEPA Team leader, at 913-551-7148 or via email at [cothorn.joe@epa.gov](mailto:cothorn.joe@epa.gov).

Sincerely,



Amber Tucker  
NEPA Reviewer  
Environmental Services Division